



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

February 29, 2012

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To: Supervisor Zev Yaroslavsky, Chairman
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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE - COUNTY-SPONSORED LEGISLATION

This memorandum is to provide the status of nine legislative proposals for sponsorship which the County is pursuing in the second year of the 2011-12 Legislative Session. Two proposals are continued from 2011, four proposals are the result of Board motions and one proposal is a new recommendation submitted by a County department consistent with Board-approved policy. This update also provides the status of two legislative proposals which will be pursued administratively or by supporting related legislation. The deadline for bill introduction was February 24, 2012. Each proposal is discussed below.

County-Sponsored Legislation Continued from 2011

AB 259 (Smyth) - Qualifications for Public Defender (Board Action - August 10, 2010). As amended on May 11, 2011, would expand the job qualifications for applicants to the position of county public defender to include sitting or retired judges, judicial commissioners, magistrates, referees or elected public officials. This measure is currently in the Senate Public Safety Committee awaiting a hearing.

AB 652 (Mitchell) - Children's Out-of-Home Initial Health Assessments Covered by Medi-Cal. As amended on May 10, 2011, this measure would require that the costs of initial health assessments and forensic medical evaluations performed on children who are placed out-of-home because of suspected abuse or neglect to be covered benefits under the Medi-Cal Program, the Healthy Families Program or a licensed health care insurance plan.

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The measure was held in the Assembly Appropriations Committee on January 19, 2012 due to potential costs to the State General Fund. This office, the Sacramento advocates, and the Department of Health Services worked closely with the author and the committee consultant on amendments to the bill to mitigate potential costs to the State; however, due to the ongoing State Budget deficit and pending legislation to establish Essential Health Benefits to implement Federal Health Care Reform by January 1, 2014, the Legislature is holding action on some bills related to new mandates on health plans. **This proposal will be re-considered for County-sponsorship in 2013.**

Board Motions to Pursue County-Sponsored Legislation

Amendment to the Brown Act to authorize the President and the Governor to meet in executive session with the Board of Supervisors (Board Action - February 7, 2012). The Board directed this office to pursue County-sponsored legislation to amend the Brown Act to authorize the President of the United States and the Governor to meet in executive session with the Board of Supervisors on matters posing a threat to the security of public buildings or essential public services.

As introduced on February 16, 2012, **AB 1736 (Smyth)** is a spot bill that makes a statement of the intent of open meetings under the Brown Act. According to the Sacramento advocates, this measure is expected to be amended to include language drafted by County Counsel to amend the Brown Act to authorize the President and the Governor to meet in executive session with the Board of Supervisors. The Sacramento advocates are working with the author's office on the specific amendment language. AB 1736 may be heard in committee on March 18, 2012.

Extension of the January 1, 2013 Sunset Date for Laura's Law – (Board Action - December 20, 2011). The Board directed this office to support an extension to Laura's Law with amendments to support the County's implementation of an effective Assisted Outpatient Treatment (AOT) Program. The amendments include: a) State implementation funds for AOT; b) allow more flexibility by county mental health departments in the provision of AOT services by changing the requirement to provide the same services to individuals not in AOT; and c) streamline and facilitate the administrative/legal processes for admission, readmission and ongoing adequate treatment including the administration of medication.

As introduced on January 31, 2012, **AB 1569 (Allen)** would extend Laura's Law until January 1, 2019. However, this measure does not include the amendments in the December 20, 2011 Board motion. This office is working with the Department of

Mental Health and County Counsel to develop the amendments to AB 1569 for recommendation to the author of this measure.

Regulation and Oversight of Surgical Centers – (Board Actions of December 20, 2011). The Board directed this office to: 1) pursue legislation that would strengthen the regulation and oversight of surgical centers and clinics performing aggressive and invasive obesity treatment cosmetic procedures to ensure quality of care standards are in place at these clinics and checked by the appropriate credentialing agencies; and 2) restore oversight of physician-owned ambulatory surgery clinics to the California Department of Health Services (CDPH) Licensing Division.

This office, the Department of Public Health, and the Sacramento advocates have researched this issue and determined that SB 100 (Chapter 654, Statutes of 2011) by Senator Curren Price includes provisions that will strengthen the oversight of ambulatory surgery centers, including those performing invasive obesity procedures, by the California Medical Board. SB 100 also provides the Medical Board with the authority to address oversight deficiencies of physician-owned ambulatory surgery clinics which occurred when the CDPH deferred oversight to the Medical Board. The California Medical Board supported SB 100 and has indicated that it could absorb costs for the increased oversight.

SB 100 requires the California Medical Board to promulgate regulations by January 1, 2013. Based on information obtained by the Sacramento advocates, the Legislature is not interested in considering statutory changes at this time because SB 100 became effective January 2, 2012 and time is needed to determine the effectiveness of this measure. Therefore, this office will not pursue County-sponsored legislation in 2012 to strengthen the regulation and oversight of surgical centers and clinics performing aggressive and invasive obesity treatment cosmetic procedures or to restore oversight of physician-owned ambulatory surgery clinics to the CDPH. However, this office and the Department of Public Health will continue to review and monitor the regulatory process for SB 100 and will assess the need to pursue County-sponsored legislation pursuant to your Board directive in 2013.

Expedited Judicial Review Process for the Development of Projects that Provide Vital Public Services (Board Action - September 27, 2011). The Board directed this office and the Sacramento advocates to pursue County-sponsored legislation to initiate/support legislative efforts that provide the same expedited judicial review process provided in SB 292 (Chapter 353, Statutes of 2011) for the development of projects that provide vital public services, including hospitals, health clinics, fire and police/sheriff stations, communication facilities/systems, libraries, schools,

transportation projects, and other vital government capital projects that serve the public interest, as well as commercial, sports, cultural, recreational and clean energy projects.

Consistent with your Board's directive, on February 8, 2012, the County took a support-and-amend position on **SB 52 (Steinberg)**, because it clarifies that public projects are eligible for an expedited judicial review. The Sacramento advocates are working with the author's office to amend SB 52 to expand the scope of a leadership project to include projects that provide vital public services, including hospitals, health clinics, fire and police/sheriff stations, communication facilities/systems, libraries, schools, and transportation projects.

County-Support-and-amend SB 52 (Steinberg), as amended on January 31, 2012, would make several technical and clarifying changes to various provisions of AB 900 (Chapter 354, Statutes of 2011), which created an expedited judicial review process and specified procedures for the preparation and certification of the administrative record for an Environmental Impact Report. AB 900 also authorized the Governor, upon application, to certify a leadership project related to the development of a residential, retail, commercial, sports, cultural, entertainment, or recreational use project, or clean renewable energy or clean energy manufacturing project. SB 52 clarifies that large public projects may be considered for a leadership project. The measure is currently in the Assembly awaiting assignment to a committee.

New Recommendations for County-Sponsored Legislation

AB 1558 (Eng and Hernández) – Flood Control and Water Conservation Liability Protection. As introduced on January 26, 2012, would extend the sunset date, which is set to expire on January 1, 2013, on liability protections for the Department of Public Works in County unlined channels and adjacent spreading grounds during flood control and water conservation operations. This measure is currently in the Assembly Judiciary Committee awaiting a hearing.

County-Sponsored Proposals Being Pursued Administratively

County Child Welfare Agencies' Access to Department of Justice Database. In the January 13, 2012 Sacramento Update, we advised your Board that the Sacramento advocates would pursue County-sponsored legislation to allow county child welfare agencies and social workers statewide the option of using an alternate, automated, State-maintained database of criminal information that would be created to expedite clearances for emergency child placements with relatives. According to the Department of Children and Family Services (DCFS), the legislation would shorten the timeline for transmitting and receiving criminal clearances from the California Department of Justice

(DOJ); thus helping children to be placed more quickly into safer, more secure homes. Currently, county child welfare agencies are limited to using an outdated manual process to obtain criminal clearances from the California Law Enforcement Telecommunication System, which is a terminal that accesses DOJ's criminal history database, for emergency response services and emergency placements required by law before placing a child in out-of-home care.

Based on recent discussions with the Department of Justice, this proposal could be pursued administratively. Specifically, DOJ and DCFS will enter into a Memorandum of Understanding (MOU) to provide direct electronic transmission of criminal records to DCFS which will provide a more rapid response in obtaining criminal background clearances for relative caregivers.

Other Legislative Proposals under Consideration

County Administration of Oversight Board Meetings. As reported on February 9, 2012, this office and the Sacramento advocates are pursuing an amendment to ABX1 26 (Chapter 5, Statutes of 2011), to allow the County to administer and conduct oversight board meetings of redevelopment successor agencies. There are 71 RDAs in Los Angeles County which require the establishment of 71 individual successor agencies and oversight boards. The Executive Office of the Board indicates that it has the expertise to administer oversight board meetings and is available to assist oversight boards by identifying locations, preparing agendas, and providing training. This amendment is intended to help facilitate the successful and timely dissolution of former RDAs in the County. This office and the Sacramento advocates continue to seek an author and legislative vehicle to pursue this amendment to ABX1 26.

We will continue to keep you advised.

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MR:OR:IGEA:sb

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